



City of Westminster

Licensing Sub-Committee Report

Item No:

Date:

8 July 2021

Licensing Ref No:

21/01695/LIPN - New Premises Licence

Title of Report:

Gorillas Technologies Ltd
Ground Floor
425 Harrow Road
London
W10 4RE

Report of:

Director of Public Protection and Licensing

Wards involved:

Harrow Road

Policy context:

City of Westminster Statement of Licensing Policy

Financial summary:

None

Report Author:

Karyn Abbott
Senior Licensing Officer

Contact details

Telephone: 07866 019698
Email: kabbott@westminster.gov.uk

1. Application

1-A Applicant and premises			
Application Type:	New Premises Licence, Licensing Act 2003		
Application received date:	8 March 2021		
Applicant:	Gorillas Technologies Ltd		
Premises:	Gorillas Technologies Ltd		
Premises address:	Ground Floor 425 Harrow Road London W10 4RE	Ward:	Harrow Road
		Cumulative Impact Area:	None
		Special Consideration Zone:	None
Premises description:	According to the application form, the premises proposes to operate as a warehouse providing a delivery service of groceries and alcohol.		
Premises licence history:	This is a new premises licence application and therefore no premises licence history exists. The premises have had the benefit of Temporary Event Notices and can be found at Appendix 3 .		
Applicant submissions:	None		

1-B Proposed licensable activities and hours							
Sale by retail of alcohol				On or off sales or both:			Off
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		None					

Hours premises are open to the public							
Day:	Mon	Tues	Wed	Thur	Fri	Sat	Sun
Start:	08:00	08:00	08:00	08:00	08:00	08:00	08:00
End:	00:00	00:00	00:00	00:00	00:00	00:00	00:00
Seasonal variations/ Non-standard timings:		None					
Adult Entertainment:		None					

2. Representations

2-A Responsible Authorities	
Responsible Authority:	Metropolitan Police Service
Representative:	PC Nicole Sondh
Received:	1 st April 2021 (Withdrawn 15 th April 2021)
RE: New Premises Licence Application – 425 Harrow Road	
<p>I am writing with reference to the above premises licence application for which I am in receipt of.</p> <p>This is a new premises licence application whereby the applicant is looking to apply for the licensable activity of supply of alcohol for consumption off the premises only Monday to Sunday between the hours of 08:00 to 00:00. The applicant intends on providing a grocery delivery service to customers where groceries can be ordered via an app and the company aims to deliver the order within 10minutes. This will include the delivery of alcohol. The applicant has stated that deliveries will be made via e-bicycles and they will employ all delivery drivers themselves.</p> <p>Taking into consideration the licensing objectives in the Prevention of Crime and Disorder and in the Protection of Children from Harm, the Metropolitan Police are making a representation against this application as there is insufficient information in the operating schedule. Furthermore the hours applied for are out of the core hours listed in the Westminster Licensing Policy. I am therefore proposing the following conditions;</p> <ol style="list-style-type: none">1. (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team. (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance. (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping. (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.3. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.4. A record shall be kept detailing all refused sales of alcohol upon delivery. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.5. A warning shall be displayed on the digital platform on which an order is placed	

informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the delivery rider will carry out age verification on delivery. The customer will be asked to provide ID to prove their age in accordance with Challenge 21 or 25 scheme. If the rider is not satisfied then the alcohol in the order will be withheld.

6. All delivery riders shall receive training in age restriction sales.
 - (a) Induction training must be completed and documented prior to the delivery of alcohol by the rider
 - (b) Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
 - (c) Training records will be available for inspection by a police officer or other authorised officer on request.
 - (d) Training records will be electronically stored by the licence holder for a period of 12 months.
7. Members of the public will not be permitted to enter the premises.
8. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
9. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans.
10. No deliveries from the premises, either by the licensee or a third party shall take place between (00:00) and (08:00) hours on the following day.
11. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises.
12. Notices shall be prominently displayed at all exits used by the delivery drivers requesting them to respect the needs of local residents and leave the area quietly.
13. Drivers shall wait inside the premises between deliveries/for deliveries.
14. All orders shall be taken by the premises at least 15 minutes before the terminal hour for licensable activities on the premises on any night.
15. Deliveries will only be made to bona fide residential or business addresses.
16. Riders will not be permitted to smoke in the immediate vicinity of premises.
17. Riders will not be permitted to congregate in the immediate vicinity of the premises.
18. Riders will be instructed not to loiter in the vicinity of residential premises.

Please let me know if you agree to these conditions or would like to discuss them further.

Conditions agreed between the applicant and the Police. As a result, the Metropolitan Police Service as a responsible authority withdrew their representation on 15th April 2021. The agreed conditions can be found at Appendix 4.

Responsible Authority:	Environmental Health Service
Representative:	Anil Drayan
Received:	6 th April 2021 (Withdrawn 26th April 2021)

I refer to the application for a new Premises Licence for the above premises.

A plan of the premises (no reference) has been submitted showing the licensable areas.

The applicant is seeking the following:

1. Supply of Alcohol 'Off' the premises between 08:00 to 00:00 Monday to Sunday.

I wish to make the following representations based on the plans and operating schedule submitted:

1. The Supply of Alcohol and for the hours requested may have the effect of increasing Public Nuisance in the area.

Environmental Health also makes the following further comments:

- Some undertakings have been offered in the operating schedule and these are under consideration as to whether they there are sufficient to allay Environmental Health concerns. In any case they will need to be converted into enforceable conditions based on the Council's 'model' conditions.
- Clarification is requested as to who shall carry out the deliveries i.e. in-house or 3rd party.

The applicant is therefore requested to contact the undersigned to discuss the above issues after which Environmental Health may propose additional conditions for the proposed use.

Following agreement of conditions between the applicant and the Metropolitan Police. The Environmental Health Service as a responsible authority withdrew their representation on 26th April 2021. The agreed Police conditions can be found at Appendix 4.

2-B Other Persons	
Name:	██████████
Address and/or Residents Association:	██████████ ██████████ ██████████
Received:	1 st April 2021
<p>How much traffic does an alcohol delivery service running 16 hours a day/night create? The delivery routes going north from the address run through residential streets, at the moment it's quiet at night and possible to get a good nights sleep there isn't much traffic.</p> <p>If hundreds of moped journey's are routed through this area on deliveries it will change the character and liveability of the area that has for the last 25years been a peaceful place to live.</p>	

3. Policy & Guidance

The following policies within the City Of Westminster Statement of Licensing Policy apply:

Policy HSR1 applies

- A. Applications within the core hours set out below in this policy will generally be granted for the relevant premises uses, subject to not being contrary to other policies in the Statement of Licensing Policy.
- B. Applications for hours outside the core hours set out in Clause C will be considered on their merits, subject to other relevant policies, and with particular regard to the following:
1. The demonstration of compliance in the requirements of policies CD1, PS1, PN1 and CH1 associated with the likelihood of the effect of the grant of a licence for later or earlier hours on crime and disorder, public safety, public nuisance and the protection of children from harm.
 2. If the application is located within a Special Consideration Zone they have demonstrated that they have taken account of the issues identified in that area and provided adequate mitigation.
 3. Whether there is residential accommodation in the proximity of the premises that would likely be adversely affected by premises being open or carrying out operations at the hours proposed.
 4. The proposed hours of the licensable activities and when customers will be permitted to remain on the premises.
 5. The proposed hours when any music, including incidental music, will be played.
 6. The hours when customers will be allowed to take food or drink outside the premises or be within open areas which form part of the premises.
 7. The existing hours of licensable activities and the past operation of the premises (if any) and hours of licensable premises in the vicinity.
 8. Whether customers and staff have adequate access to public transport when arriving at and leaving the premises, especially at night.
 9. The capacity of the premises.
 10. The type of use, recognising that some venues are more likely to impact the licensing objectives than others; for example, pubs and bars are higher risk than theatres, cinemas and other cultural and sporting venues due to the nature of the operation.
 11. The Licensing Authority will take into account the active measures proposed for a 'winding down' period including arrangements for people to be collected from the premises to travel home safely.
 12. Conditions on hours may be attached that require that the supply of alcohol for consumption on the premises ceases a suitable period of time before customers are required to leave the premises.
 13. The council, acting as the Licensing Authority, may reduce hours if, after review, it is necessary to impose conditions specifying shorter hours in order to promote the licensing objectives.
 14. Specific days for non-standard hours should be identified and justified as part of the application to allow responsible authorities and interested parties to evaluate the impact that these licensable activities may have, and to plan accordingly. The consideration of applications for later hours for Bank Holiday Mondays will take into account that later hours are generally granted for preceding Sundays and that the next day is a working day. Non-specific days are expected to be covered by Temporary Event Notices or variation

	<p>applications.</p> <p>C. For the purpose of Clauses A and B above, the Core Hours for this application for each premises use type as defined within this policy are:</p> <p>4. Off licences Monday to Saturday: 8am to 11pm. Sunday: 9am to 10.30pm.</p>
Policy OS1 applies	<p>A. Applications outside the West End Cumulative Zones will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has taken account of the Special Consideration Zone Policy SCZ1 if the premises are located within a designated zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. <p>B. Applications inside the West End Cumulative Impact Zone will generally be granted subject to:</p> <ol style="list-style-type: none"> 1. The application meeting the requirements of policies CD1, PS1, PN1 and CH1. 2. The hours for licensable activities are within the council's Core Hours Policy HRS1. 3. The applicant has demonstrated that they will not add to cumulative impact within the Cumulative Impact Zone. 4. The application and operation of the venue meeting the definition for a premises that provides off sales of alcohol as per Clause C. <p>C. For the purposes of this policy, a premises that provides off sales of alcohol is defined as a premises where the sale of alcohol is primarily for consumption off the premises (i.e. shops, stores and supermarkets, etc.).</p>

4. Equality Implications

The Council in its capacity as Licensing Authority has a duty to have regard to its public sector equality duty under section 149 of the Equality Act 2010. In summary, section 149 provides that a Public Authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristics and persons who do not share it.

Section 149 (7) of the Equality Act 2010 defines the relevant protected characteristics as age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5. Appendices

Appendix 1	Premises plans
Appendix 2	Applicant supporting documents
Appendix 3	Premises history
Appendix 4	Proposed conditions
Appendix 5	Residential map and list of premises in the vicinity

Report author:	Karyn Abbott Senior Licensing Officer
Contact:	Telephone: 07866 019698 Email: kabbott@westminster.gov.uk

If you have any queries about this report or wish to inspect one of the background papers please contact the report author.

Background Documents – Local Government (Access to Information) Act 1972

1	Licensing Act 2003	N/A
2	City of Westminster Statement of Licensing Policy	7 th January 2021
3	Amended Guidance issued under section 182 of the Licensing Act 2003	April 2018
4	Metropolitan Police Service (Withdrawn 15th April 2021)	1 st April 2021
5	Environmental Health Service (Withdrawn 26th April 2021)	6 th April 2021
6	Representation 1	1 st April 2021

Harrow Road, London, England, W10 4RE

Approx. Gross Internal Area = 537.7 sq m / 5787 sq ft

SCALE 1:100 @ A3



Applicant Supporting Documents

Appendix 2

None

Premises History**Appendix 3**

There is no licence or appeal history for the premises.

Temporary Event Notices

Application	Details of Application	Date Determined	Decision
21/03515/LITENP	Temporary Event Notice	20 April 2021	Notice Granted
21/03521/LITENP	Temporary Event Notice	20 April 2021	Notice Granted
21/03528/LITENP	Temporary Event Notice	20 April 2021	Notice Granted
21/04625/LITENP	Temporary Event Notice	20 April 2021	Notice Granted
21/04628/LITENP	Temporary Event Notice	18 May 2021	Notice Granted
21/04629/LITENP	Temporary Event Notice	18 May 2021	Notice Granted
21/05275/LITENP	Temporary Event Notice	Refused 1 June 2021	Notice Refused
21/05278/LITENP	Temporary Event Notice	Refused 1 June 2021	Notice Refused
21/05279/LITENP	Temporary Event Notice	Refused 1 June 2021	Notice Refused

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE AND CONDITIONS PROPOSED BY A PARTY TO THE HEARING

When determining an application for a new premises licence under the provisions of the Licensing Act 2003, the licensing authority must, unless it decides to reject the application, grant the licence subject to the conditions which are indicated as mandatory in this schedule.

At a hearing the licensing authority may, in addition, and having regard to any representations received, grant the licence subject to such conditions which are consistent with the operating schedule submitted by the applicant as part of their application, or alter or omit these conditions, or add any new condition to such extent as the licensing authority considers necessary for the promotion of the licensing objectives.

This schedule lists those conditions which are consistent with the operating schedule, or proposed as necessary for the promotion of the licensing objectives by a responsible authority or an interested party as indicated. These conditions have not been submitted by the licensing service but reflect the positions of the applicant, responsible authority or interested party and have not necessarily been agreed

Mandatory Conditions

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or

less in a manner which carries a significant risk of undermining a licensing objective;

- (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
- (a) a holographic mark, or
 - (b) an ultraviolet feature.
7. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

- 8(i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- 8(ii) For the purposes of the condition set out in paragraph 8(i) above -
- (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) "permitted price" is the price found by applying the formula -
- $$P = D + (D \times V)$$
- Where -
- (i) P is the permitted price,
- (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
- (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
- (i) the holder of the premises licence,
- (ii) the designated premises supervisor (if any) in respect of such a licence, or
- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
- 8(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- 8(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the operating schedule

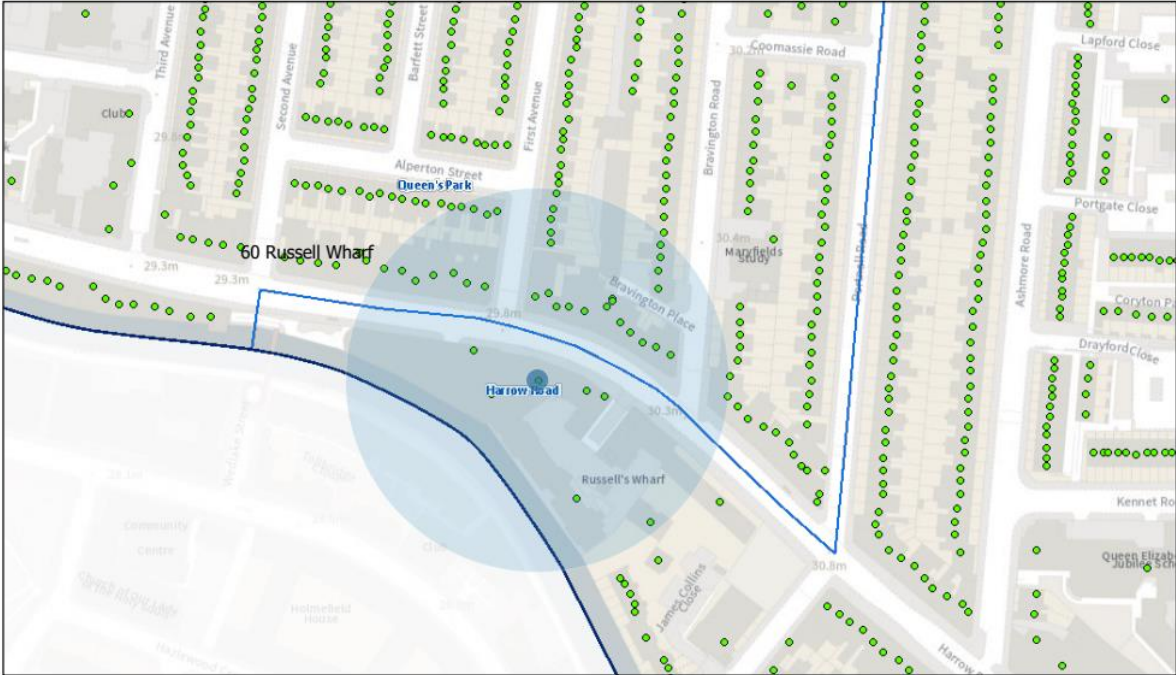
9. Delivery riders will only use e-bikes or bicycles.

Conditions proposed by the Police and agreed by the applicant so as to form part of the operating schedule.

10.
 - (a) The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Westminster Police Licensing Team.
 - (b) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - (c) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises and will include the external area immediately outside the premises entrance.
 - (d) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - (e) Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
11. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
12. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
13. A record shall be kept detailing all refused sales of alcohol upon delivery. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the City Council at all times whilst the premises is open.
14. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the delivery rider will carry out age verification on delivery. The customer will be asked to provide ID to prove their age in accordance with Challenge 21 or 25 scheme. If the rider is not satisfied then the alcohol in the order will be withheld.
15. All delivery riders shall receive training in age restriction sales.
 - (a) Induction training must be completed and documented prior to the delivery of alcohol by the rider
 - (b) Refresher/reinforcement training must be completed and documented at intervals of no more than 6 months.
 - (c) Training records will be available for inspection by a police officer or other authorised officer on request.
 - (d) Training records will be electronically stored by the licence holder for a period of 12 months.
16. Members of the public will not be permitted to enter the premises.
17. All sales of alcohol for consumption off the premises shall be in sealed containers only, and shall not be consumed on the premises.
18. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises, except for premium beers and ciders supplied in glass bottles and cans.

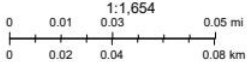
19. No deliveries from the premises, either by the licensee or a third party shall take place between (00:00) and (08:00) hours on the following day.
20. Delivery drivers shall be given clear, written instructions to use their vehicles in a responsible manner so as not to cause a nuisance to any residents or generally outside the license premises.
21. Drivers shall wait inside the premises between deliveries/for deliveries.
22. All orders shall be taken by the premises at least 15 minutes before the terminal hour for licensable activities on the premises on any night.
23. Deliveries will only be made to bona fide residential or business addresses.
24. Riders will not be permitted to smoke in the immediate vicinity of premises.
25. Riders will not be permitted to congregate in the immediate vicinity of the premises.
26. Riders will be instructed not to loiter in the vicinity of residential premises.
27. Management at the venue shall carry out a weekly written Risk Assessment to determine whether SIA are required. The risk assessment will be available to view by Responsible Authorities upon request.

425 Harrow Road, London



17/06/2021, 12:15:23

- Property Mailing List
- Ward Labels
- Stress Areas
- Borough Boundary - Mask
- Borough Boundary - Detailed
- Ward Boundaries
- Special Consideration Zones



Resident Count = 267

No Licensed premises within 75 metres of 425 Harrow Road